

App. Serial No. 10/803,570
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REMARKS

In the non-final Office Action, claims 1-51 are pending and claims 1-11, 14, 19-29, 32, and 37-50 stand rejected with claims 12, 13, 15-18, 30, 31, 33-36, and 51 are objected to. In addition, paragraph 002, the Abstract of the invention, and the informal drawings were objected to with amendment and formal drawings required, respectively.

Herewith Applicants submit formal drawings, amend paragraph 002, the Abstract and claims 1-2, 5, 11-13, 19-20, 23, 30-31, 37-38, 41, 47-48, and 50-51, cancel no claims, and add no new claims.

Applicants respectfully request entry and favorable consideration of the amendments and remarks presented herewith.

Claim Objections

Claims 20, 50 and 51 are objected to and herewith amended thereby overcoming the grounds of objection.

Claim Rejections Under 35 U.S.C. §101

Claims 5, 23 and 41 are rejected because they are directed to non-statutory subject matter and Applicants herewith amend the claim to cure the shortcomings of the claims.

Claim Rejections Under 35 U.S.C. §102

Claims 1-4, 6-7, 10-11, 14, 19-22, 24-25, 28-29, 32, 37-40, 42-43, 46-47 and 50 stand rejected as allegedly anticipated by the '630 published application by Ding et al. (Ding).

Applicants respectfully submit that Ding fails to disclose *each and every* element of the rejected claims, but nevertheless traverse said rejection by asserting that the present invention was invented long before Ding was filed. Accordingly, Applicants herewith submit a Declaration and accompanying exhibit(s) under 37 CFR 1.131 antedating Ding. Following entry of said Declaration, the rejection based on Ding should properly be withdrawn.

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Claims 1-11, 14, 19-29, 32, 37-47 and 50 stand rejected as allegedly anticipated by the '096 patent to Hill (Hill).

Applicants respectfully assert that Hill fails to disclose *each and every recited claim limitation* of the accompanying amended claim set and thus fails to anticipate the rejected claims.

Claim Rejections Under 35 U.S.C. §103

Claims 5, 9, 23, 27, 41 and 45 stand rejected as allegedly rendered obvious over Ding in view of the '058 published application of Mower (Mower).

Applicants respectfully submit that neither Ding nor Mower would allow a person of skill in the art to invent the subject matter of the rejected claims, but nevertheless traverse said rejection by asserting that the present invention was invented long before both Mower (and Ding) were filed.

Accordingly, Applicants herewith submit a Declaration and accompanying exhibit(s) under 37 CFR 1.131 antedating Ding. Following entry of said Declaration, the rejection based on Ding should properly be withdrawn.

Claims 6, 8, 24, 26, 42 and 44 stand rejected as allegedly rendered obvious over Ding in view of the '427 patent to Alt et al. (Alt).

As noted hereinabove, the invention of the claimed subject matter occurred long prior to Ding and, as such, Ding cannot properly be combined with other art, including Alt. Accordingly, this ground of rejection stands traversed.

Double Patenting

Claims 1-11, 14, 19-29, 32, 37-47 and 50 stand *provisionally* rejected under the doctrine of obvious-type double patenting over the '096 patent to Hill.

Applicants respectfully disagree but in response to receipt of a Notice of Allowance for said claims will consider submitting a Terminal Disclaimer in the event that Applicants conclude the rejection is meritorious. Applicants stress that the amended claims are neither taught nor suggested by Hill and thus a Terminal Disclaimer appears unnecessary.

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Allowable Subject Matter

Claims 12-13, 15-18, 30-31, 33-36, and 51 are objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form.

Applicants respectfully suggest that these claims, among others, are now in condition for allowance and respectfully request that a Notice of Allowance be issued so the claimed invention may proceed to timely issuance as U.S. Letters Patent.

Conclusion

The Commissioner is authorized to charge the surcharge of \$130.00, as well as any deficiencies, and credit any overpayments, to Deposit Account No. 13-2546. The Examiner is invited to contact the undersigned with any questions regarding the foregoing Amendment.

Respectfully submitted,

Date

12 Jan 06

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